

# HOUSE . . . . . No. 368

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By Mr. Fresolo of Worcester, petition of John P. Fresolo and others relative to the indemnification of probation and court officers. Public Service.

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## The Commonwealth of Massachusetts

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### PETITION OF:

John P. Fresolo                      Joan M. Menard  
SEIU - 5000 NAGE

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In the Year Two Thousand and Five.

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AN ACT RELATIVE TO INDEMNITY OF PROBATION AND COURT OFFICERS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 258 of the General Laws, as appearing in the 1998  
2 Official Edition, is hereby amended by inserting after section 9A,  
3 the following section:—  
4 Section 9B. If, in the event a suit is commenced against a Pro-  
5 bation or Court Officer employed by the Trial Court, by reason of  
6 a claim for damages resulting from an alleged intentional tort or  
7 by reason of an alleged act or failure to act which constitutes a  
8 violation of the civil rights of any person under federal or state  
9 law, the commonwealth, at the request of the affected officer, shall  
10 provide for the legal representation of said officer. The common-  
11 wealth shall indemnify Probation or Court Officers employed by  
12 the Trial Court, respectively, from all personal financial loss and  
13 expenses, including but not limited to legal fees and costs, if any,  
14 in an amount not to exceed one million dollars arising out of any  
15 claim, action, award, compromise, settlement or judgment  
16 resulting from any alleged intentional tort or by reason of an  
17 alleged act or failure to act which constitutes a violation of the  
18 civil rights of any person under federal or state law; provided,  
19 however, that this section shall apply only where such alleged  
20 intentional tort or alleged act or failure to act occurred within the  
21 scope of the official duties of such officer.

22 No Probation or Court Officer employed by the Trial Court  
23 shall be indemnified for any violation of federal or state law if  
24 such member or employee acted in a willful, wanton, or malicious  
25 manner.